

John Ruskin Primary School and Language Classes

Brexit Risk Assessment

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Next review: December 2020



“Be Responsible, be fair, stay positive and care”

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1. EU Settlement Scheme

Risk

Parents/carers/staff/pupils who are EU, EEA or Swiss citizens

Action

Inform any staff, parents or carers of pupils who are EU, EEA or Swiss citizens that they need to apply to the EU Settlement Scheme to continue living in the UK after 2020.

Guidance

Except in a few cases, staff, parents or carers of pupils need to apply if:

- You're an EU, EEA or Swiss citizen
- You're not an EU, EEA or Swiss citizen, but your family member is
- The EEA includes the EU countries and also Iceland, Liechtenstein and Norway.

This means staff, parents or carers of pupils need to apply even if they:

- Were born in the UK but are not a British citizen - you can check if you're a British citizen if you're not sure
- Have a UK 'permanent residence document'
- Are a family member of an EU, EEA or Swiss citizen who does not need to apply - including if they're from Ireland
- Are an EU, EEA or Swiss citizen with a British citizen family member
- Who else can apply
- You may be able to apply if you're not an EU, EEA or Swiss citizen but:
 - You used to have an EU, EEA or Swiss family member living in the UK (but you've separated, or they've died)
 - You're the family member of a British citizen and you lived outside the UK in an EEA country together
 - You're the family member of a British citizen who also has EU, EEA or Swiss citizenship and who lived in the UK as an EU, EEA or Swiss citizen before getting British citizenship
 - You're the primary carer of a British, EU, EEA or Swiss citizen
 - You're the child of an EU, EEA or Swiss citizen who used to live and work in the UK, or the child's primary carer

Staff, parents or carers of pupils do not need to apply if you have:

- Indefinite leave to enter the UK
- Indefinite leave to remain in the UK
- British or Irish citizenship (including 'dual citizenship')

Further information:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/795647/Factsheet_1_Introduction_to_the_EU_Settlement_Scheme.pdf

2. Staff arriving from EU after Brexit

Risk

There will be no change to the right to work of EU, EEA and Swiss citizens and their family members living in the UK until 31 December 2020 if the UK leaves the EU without a deal.

Action

John Ruskin School and Language Classes needs to check a job applicant's right to work in the same way as now until 1 January 2021.

They'll be able to prove their right to work using either:

- Their passport or national identity card if they're an EU, EEA or Swiss citizen
- Their biometric residence card if they're a non-EU, EEA or Swiss citizen family member
- Their status under the EU Settlement Scheme or EU Temporary Leave Scheme using the Home Office's online right to work checking service
- You have a duty not to discriminate against EU, EEA or Swiss citizens. You cannot require them to show you their status under the EU Settlement Scheme or European temporary leave to remain until 1 January 2021.

Guidance

Irish citizens will continue to prove their right to work in the UK as they do now.

A new immigration system will apply to people arriving on or after 1 January 2021. You will not be required to undertake retrospective checks on existing EU, EEA or Swiss employees.

3. School Places after Brexit

Risk

Schools and local authorities cannot take into account nationality or immigration status when deciding which pupils to admit. There will be no change to this after Brexit.

Action

Once the future immigration system is introduced in 2021, EU, EEA and Swiss nationals will not be able to enter the UK for the sole purpose of attending a state-funded school. John Ruskin School and Language Classes will need to continue to check parent/carers and pupil ID and visa status when applying for a school place.

This will not prevent children who are entering the UK for another purpose, for example, as a dependant of a worker or a student, from being eligible for a school place.

Guidance

The right of Irish nationals to access education will continue to be protected under the Common Travel Area arrangements.

UK nationals with children who return from the EU after the UK leaves the EU will continue to be entitled to apply for a school place.

4. EU Teaching Qualifications

Risk

Teachers with EU, EEA or Swiss teaching qualifications who already have qualified teacher status (QTS) will continue to hold QTS.

Action

John Ruskin School and Language Classes should continue to check QTS status for all new teachers recruited to work at John Ruskin School and Language Classes

Guidance

In the event of a no-deal Brexit:

- Teachers that have applied for QTS before the exit date will be able to continue with their application under the previous system as far as possible
- Teachers with EU, EEA or Swiss qualifications who have not applied before the exit date will still be able to apply for QTS after Brexit under a new system, but will need to provide a letter of professional standing from a competent authority or other relevant body in the EEA country, or Switzerland, where they are recognised

5. Checking for EEA teacher sanctions or restrictions

Risk

If there's a no-deal Brexit, EEA professional regulating authorities will no longer be required to automatically share details of any sanction or restriction imposed on teachers with the Teaching Regulation Agency (TRA). This means the TRA will no longer automatically receive or maintain details of those teachers who have been sanctioned, post exit, in EEA member states.

Action

In this case John Ruskin School and Language Classes must continue to carry out the same safer recruitment checks for applicants who have lived or worked outside the UK as they currently do for all other staff.

In addition, John Ruskin School and Language Classes must continue to make any further checks we think appropriate so we can consider any relevant events that occurred outside the UK.

John Ruskin School and Language Classes will be able to apply the same processes as we do when employing an individual from the rest of the world.

Guidance

If the UK leaves the EU with a deal that contains an implementation period, there will be no change to arrangements for EEA and Swiss nationals that apply for QTS recognition during that time.

Arrangements after the implementation period are subject to further negotiations between the UK and EU.

If the UK leaves with a deal, the existing system for checking EEA sanctions will remain in place until at least 31 December 2020.

When the UK leaves the EU we will update the keeping children safe in education statutory safeguarding guidance to reflect these changes.

6. Data Protection

Risk

If the UK leaves the EU without a deal, the UK will not have in place an Adequacy Agreement for processing personal data and will be classed as a third party under GDPR. There is therefore a chance that a narrow interpretation of the provisions in GDPR could lead to a regulator in an EU country restricting the transfers of UK personal data in the EEA.

Action

John Ruskin School and Language Classes should review our current data protection contracts and policies before 31 October, as they will need to ensure that they have the correct Standard Contractual Clauses (SCC) or other Alternative Transfer Mechanisms to continue to legally receive and process personal data from the EEA. If schools do not complete this action, they may be unable to access personal data stored in the EEA that they require to operate and may find that organisational partners restrict relationships due to regulatory concerns.

Guidance

GDPR will be incorporated into UK law if there's a no-deal Brexit. This and the Data Protection Act 2018 will continue to apply to data transferred within or from the UK.

For more information please see the Department's guidance, at: <https://www.gov.uk/guidance/eu-exit-guide-data-protection-for-education-providers>

7. School food supplies

Risk

School food shortages due to supply chain restrictions following Brexit

Action

John Ruskin School and Language Classes should contact their food caterer to ensure they are planning for 31 October. This is to ensure that suppliers are making the necessary arrangements to continue the supply of food to schools, and to make sure that schools can continue to meet nutritional standards, accommodate

special dietary needs and manage allergies, for example when introducing any substitute products.

Guidance

Food suppliers will need to be familiar with the guidance the Government has published for the food and drink sector on leaving the EU without a deal: www.gov.uk/guidance/the-food-and-drink-sector-and-preparing-for-eu-exit

8. School Medical supplies

Risk

School medical supplies shortages due to supply chain restrictions following Brexit

Action

John Ruskin School and Language Classes should continue with their normal arrangements for medical supplies to support pupils with health conditions.

Guidance

If John Ruskin School and Language Classes has any concerns about being able to meet statutory duties relating to SEND, health and safety, or safeguarding, we should work with their local authority to ensure there are robust contingency plans are in place.